

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

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STATE OF OKLAHOMA; STATE OF  
KANSAS; STATE OF NORTH DAKOTA;  
DOMESTIC ENERGY PRODUCERS  
ALLIANCE; and OKLAHOMA FARM  
BUREAU, INC.

Plaintiffs,

v.

No. 4:14-cv-00123-JHP-PJC

UNITED STATES DEPARTMENT OF THE  
INTERIOR; S. M. R. JEWELL, in her official  
capacity as Secretary of the United States  
Department of the Interior; UNITED STATES  
FISH AND WILDLIFE SERVICE; DANIEL  
ASHE, in his official capacity as Director,  
United States Fish and Wildlife Service;  
GARY FRAZER, in his official capacity as  
Assistant Director for Endangered Species,  
United States Fish and Wildlife Service; and  
DIXIE PORTER, in her official capacity as  
Field Supervisor of the Oklahoma Ecological  
Services Field Office, United States Fish and  
Wildlife Service,

Defendants.

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**DEFENDANTS' RESPONSE TO  
PLAINTIFFS' NOTICE OF AUTHORITY REFERENCED IN ARGUMENT**

In response to Plaintiffs' Notice of Authority Referenced in Argument ("Notice"), *see* Docket ("Dkt.") 65, Defendants United States Department of the Interior ("Interior"); S. M. R. Jewell, in her official capacity as Secretary of the Interior; the United States Fish and Wildlife Service ("FWS"); Daniel Ashe, in his official capacity as FWS's Director; Gary Frazer, in his official capacity as FWS's Assistant Director for Endangered Species; and Dixie Porter, in her official capacity as Field Supervisor of FWS's Oklahoma Ecological Services Field Office,

(collectively, “Defendants”) respectfully submit full and complete copies (attached as Exhibits 1-3) of the three documents referenced in Plaintiffs’ Notice. Because Plaintiffs only filed selected excerpts from these documents with their Notice, Defendants submit full and complete copies of these documents to provide the Court with the appropriate context for the portions highlighted by Plaintiffs. Defendants also respectfully refer this Court to Defendants’ prior briefing, in which Defendants explained that Plaintiffs have misread one of the documents, *see* Dkt. 55 at 9 n.4; Dkt. 62-1 at 18 n.13, and further assert that the same reasoning should apply to the two other documents, which were not addressed in Plaintiffs’ earlier briefing.

Dated: June 19, 2014

Respectfully submitted,

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/s/ H. Hubert Yang

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### **CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2014, I electronically filed the foregoing Defendants' Response To Plaintiffs' Notice Of Authority Referenced In Argument with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ H. Hubert Yang

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